IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

Tr.P(C).No. 148 of 2007()

OP.1087/2006 of FAMILY COURT,TRIVANDRUM
.....

PETITIONER

ROOPA S., D/O. SACHIDANANTHAN PILLAI,
ROOPASHREE MANDIRAM, KONGORPPILLY P.O.,
ERNAKULAM.

BY ADV. SRI.V.K.PRAVEEN

RESPONDENT:

REJEESH U., S/O. UNNIKRISHNAN NAIR,
TC 43/114, EDAMADOM LANE, PUNNAPURAM,
PETTAH P.O., THIRUVANANTHAPURAM.

BY

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/09/2007, ALONG WITH TR.P.C.149/07 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. 161 OF 2007
IN
TR.P.C. NO.148 OF 2007

DISMISSED

18/9/07 **SD/- M.N. KRISHNAN, JUDGE.**

[True Copy]

P.A. TO JUDGE.

M.N. KRISHNAN, J.

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Tr.P.C. NOs. 148 & 149 OF 2007

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Dated this the 18th day of September, 2007.

J U D G M E N T

Tr.P.C. 148/07 is filed to transfer O.P.1087/06 from Family Court, Thiruvananthapuram to Family Court, Ernakulam and Tr.P.C.149/07 is filed to transfer O.P.971/06 pending before the Family Court, Nedumangad to Family Court, Ernakulam.

2. Wife is the petitioner in both the cases here and she had filed O.P.971/06 before the Family Court, Nedumangad for declaration of the marriage as null and void and the husband who is the petitioner in O.P.1087/06 had moved an application for restitution of conjugal rights. Now, in both the cases, the respondent husband is served and in spite of posting the matter on sone or two days, there is no appearance. Therefore, I am proceeding to decide the matter.

3. At the out set it has to be stated that there is no contravention of the averments mentioned in the petition for transfer. It is submitted that the wife had to undergo terrific

ordeal on account of the marriage and is now residing in Ernakulam and she is perceiving her studies which has become absolutely necessary. It is also submitted by her that the person who may accompany her is her brother who is employed at H.D.F.C., Bangalore and is permanently residing there. If the cases are transferred to Ernakulam, much hardship can be averted and that the respondent is of sound health and had abundant resources. Taking in to consideration these facts and circumstances and the specific inconvenience alleged which remain uncontraverted, I am inclined to allow both the Tr.P.Cs. Therefore O.P.971/06 pending before the Family Court, Nedumangad and O.P.1087/06 pending before the Family Court, Thiruvananthapuram are transferred to the Family Court, Ernakulam for trial and disposal. Since, the respondent had chosen not to appear before the Court, the respective Family Courts are directed to give intimation to the counsel appearing for him in the respective courts regarding the factum of transfer.

The Tr.P.Cs. are disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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